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14230 U.S.PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Raul G. Barletta

Co-Inventor: Zhengyu Feng

Title: RECOMBINANT MYCOBACTERIA OVEREXPRESSING D-ALANINE LIGASE GENE AND USES THEREFORE

UTILITY PATENT APPLICATION TRANSMITTAL UNDER 37 C.F.R. 1.53(b)

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a request for filing a Utility Patent Application under 37 C.F.R. 1.53(b).

22581 U.S.PTO
10/738938



Continuing Application Information:

Continuation Divisional Continuation-in-Part (CIP)

Applicants claim benefit under 35 United States Code Sec. 119(e) to U.S. Provisional Application Serial No. 60/434,200, filed December 17, 2002, which is incorporated into the non-provisional application filed herewith by reference

Prior Application Information:

Examiner: [*]
 Group/Art Unit: [*]

Application Elements:

- Application transmittal containing Fee Calculation and Certificate of Mailing by "Express Mail".
 A check in the amount of \$498.00 to cover the application filing fee.
- Applicant claims small entity status.
- Application Cover Sheet, Specification, Claims (1-23) and Abstract of the Disclosure (48 total pages).
- Original drawings (Figures 1-7, 7 total sheets).
- Declaration and Power of Attorney (for each co-inventor) (document) (total pages).
 Newly-executed copies.
 Copy[ies] from a prior application pursuant to 37 C.F.R. 1.63(d).

Certificate of Mailing by "Express Mail" (37 C.F.R. 1.10)

Express Mail Label No.: EV 258727910 US

Date of Deposit: December 17, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and is addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Name: Raul G. Barletta

Signature: Raul G. Barletta

The Director is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-4409.

Accompanying Application Parts:

- Patent Assignment Recordation Form Cover Sheet and Assignment ([] total pages).
 A check in the amount of \$[40.00] to cover the Assignment recordation filing fee.
 The prior application was Assigned of record in U.S. Provisional Application Serial No. 60/434,200, filed December 17, 2002 to the Board of Regents, University of Nebraska-Lincoln and was recorded on April 4, 2003 at Reel 013566/Frame 0724 (5 pages).

Documents reflecting change in Power of Attorney/Correspondence Address.

- [Revocation of] Power of Attorney [and Appointment of New Power of Attorney] [by Assignee]. [Change of Correspondence Address –Application (PTO/SB/122).]
 Certificate Under 37 C.F.R. § 3.73(b) (where there is an Assignee).
 Information Disclosure Statement (IDS) and PTO/SB/08A (PTO-1449).
 Copies of IDS Citations.
 A Petition for Extension of Time is being filed concurrently in the prior application ([] total pages).
 Preliminary Amendment ([] total pages).
 Petition to Make Special Under 37 C.F.R. § 1.102(c) ([] total pages).
 Itemized Return Receipt Post Card.
 Certified copy of priority document(s) (if foreign priority is claimed).
 Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i).
 Other: Nucleotide and/or Amino Acid Sequence Submission: Computer Readable Form (CRF); Specification Sequence Listing on paper; Sequence Statement Pursuant to 37 C.F.R. 1.821(f).

Fee Calculation:

	Filed		Extra	Rate	Calculations
Basic Fee					\$770
Total Claims	23	-	20 =	3 x \$18 =	\$54
Independent Claims	5	-	3 =	2 x \$86 =	\$172
Multiple Dependent Claims (one time fee)				0 x \$290 =	0
				Total Fee:	\$996.00
			<input checked="" type="checkbox"/> Small Entity Fee Reduction of 50%:		\$498.00

DIRECT ALL CORRESPONDENCE TO: CUSTOMER NUMBER 27910

Pursuant to the provisions of 37 C.F.R. §§ 1.10 and 1.53(a), Applicants respectfully request that this application be assigned a serial number and a filing date of December 17, 2003, the date upon which the Application was mailed to the United States Patent and Trademark Office by Express Mail.

Acknowledgment of receipt is respectfully requested.

Respectfully submitted,

By: 
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